

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

ANDRIA SALDA,

Plaintiff,

-vs-

METLIFE INVESTORS USA
INSURANCE COMPANY, a
Delaware Corporation,

Defendant.

Case No. CIV-19-1093-F

ORDER

The court has a duty to inquire into its own jurisdiction. Tuck v. United Services Automobile Association, 859 F.2d 842 (10th Cir. 1988).


The complaint purports to base this court's subject matter jurisdiction on diversity of citizenship pursuant to 28 U.S.C. § 1332. The complaint is deficient in this regard, however, because it fails to adequately set out facts in support of jurisdiction.

1. The complaint alleges that this action is brought by Andria Michelle Salda. But the complaint does not allege the specific state in which Ms. Salda is a citizen. Ms. Salda's specific state of citizenship (which is not necessarily the same thing as her state of residence) must be alleged.

2. The citizenship of a corporation is determined by the state in which the corporation was incorporated, and the state in which the corporation has its principal place of business. 28 U.S.C. § 1332(c)(1). Both must be alleged. *See, Simmons v. Rosenberg*, 572 F. Supp. 823 (E.D. N.Y., 1983) (merely averring that a party is a citizen of a state “other than” a named state is clearly insufficient to establish diversity jurisdiction; diversity must be alleged with detail and with certainty). The complaint alleges that defendant’s principal place of business is in Delaware, so that requirement is met. The complaint, however, does not allege the state in which defendant is incorporated.¹ That information must be alleged.

Plaintiff, as the party invoking this court’s jurisdiction, is **DIRECTED** to file a First Amended Complaint which provides the missing jurisdictional information identified in this order. The First Amended Complaint is **DUE** within fourteen days of the date of this order. Failure to comply may result in dismissal of this action, without prejudice.

DATED this 27th day of November, 2019.


STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

19-1093p001.docx

¹ The caption indicates that defendant is a Delaware corporation, but the caption is generally not considered a part of the pleader’s statement of the claim. The complaint alleges that defendant is “licensed to do business in the State of Oklahoma,” but that allegation does not identify the state in which defendant is incorporated.